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IN THE UNITED STATES DISTRICT COURT MAY 4 PM 3 05
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLERK
U.S. DISTRICT COURT

THE MAGNAVOX COMPANY,
a Corporation, and
SANDERS ASSOCIATES, INC.,
a Corporation,

Plaintiffs,

v.

BALLY MANUFACTURING
CORPORATION, a Corporation,
et al.,

Defendants.

Consolidated Civil Actions

No. 74 C 1030

No. 74 C 2510

No. 75 C 3153 ✓

No. 75 C 3933 ✓

C

DEFENDANTS THE SEEBURG CORPORATION
OF DELAWARE AND WILLIAMS ELECTRONICS, INC.
SUPPLEMENTAL INTERROGATORY TO PLAINTIFF
SANDERS ASSOCIATES, INC.

Defendants, The Seeburg Corporation of Delaware, hereinafter "Seeburg", and Williams Electronics, Inc., hereinafter "Williams", propound a supplemental interrogatory to plaintiff, Sanders Associates, Inc., hereinafter "Sanders", to be answered in accord with Rule 33 of the Federal Rules of Civil Procedure fully and separately in writing and under oath by an officer or agent thereof competent to testify in its behalf, answers to such interrogatory to be served upon defendants within 30 days from the time this interrogatory is served.

With respect to the following interrogatory, if Sanders, after answering, acquires additional knowledge or information, it is requested that Sanders serve upon defendants supplemental answers within 15 days after the acquisition of such additional knowledge or information. The definitions set forth in the first set of interrogatories are hereby incorporated by reference.

Introduction

Seeburg and Williams in their first set of interrogatories to Sanders sought answers regarding what devices they manufactured or sold infringed the patents in suit and in particular which claims of those patents were infringed by such devices. In responding to that set of interrogatories Sanders adopted the co-plaintiff's answer which stated:

"Magnavox is presently unable to provide a complete response . . . as defendants have not yet supplied it with complete information Magnavox will supply herein the requested information as it is presently best able to determine it but reserves the right to add additional claims or alter its application of those claims as discovery in this action progresses."

In view of Sanders' position in responding to the first interrogatories and in view of the fact that the patents in suit have been reissued since those answers were served, it is believed necessary to propound this additional interrogatory

for several reasons. First, the responses will serve as the supplementation which Sanders averred it would provide when the discovery was complete. As Sanders is aware, such discovery with regard to the Seeburg and Williams devices is substantially complete. A further reason for this interrogatory is that the answers to the first set were not fully responsive. For example, Interrogatory 1(c) of the first set requested that each of the claims alleged to be infringed be applied element by element to each of the devices which allegedly were infringing.

In response Sanders grouped the devices into four categories regardless of the difference in circuit structure and made general statements which did not specify the information requested. For example, in applying Claim 25 to Patent No. 3,659,284 Sanders stated each of the games alleged to infringe this claim had a symbol representing a player and so "must also have means for generating that symbol". Nowhere is the circuitry specified which allegedly meets that limitation of Claim 25.


Interrogatory No. 6. With respect to Sanders' allegation that defendants Seeburg and Williams infringe Letters Patent No. RE 28,507 and RE 28,598 (hereinafter the specified patents):

- (a) Specify each device made, used or sold by these defendants which is alleged to infringe the specified patents.

- (b) Identify which claims of the specified patents are infringed by each device specified in (a).
- (c) Are all of the claims specified in (b) identical with the claims in the corresponding original patent?
- (d) If all of the claims specified in (b) are not identical, specify those claims which are not identical.
- (e) As to the claims which are not identical, does plaintiff agree or disagree that these claims cannot be infringed by a defendant who has ceased all manufacture, use and sale of the allegedly infringing devices prior to the date of issue of the reissue patent by virtue of Title 35 U.S.C. §252?
- (f) If plaintiff disagrees, set forth a brief statement of position as to how the claims which are not identical are infringed by a defendant who has ceased all manufacture, use and sale of the allegedly infringing devices prior to the date of issue of the reissue patent.

- (g) Apply each of the claims identified in (b), element by element, to each of the devices specified in (a) manufactured by or for Seeburg and Williams; specifically, Paddle Ball, Pro Tennis, Olympic Tennis and Pro Hockey. In so doing identify by Macie deposition exhibit number the schematic drawing referred to and the specific component or group of components which constitute each element of the claim being applied. For the convenience of plaintiff a listing of the deposition exhibits is attached to this interrogatory.
- (h) Apply each of the claims identified in (b), element by element, to each of the devices specified in (a) sold by Seeburg and Williams. In so doing identify the schematic drawing or other document referred to and the specific component or group of components which constitute each element of the claim being applied.
- (i) Identify all documents and things upon which Sanders will rely at trial to support the allegations of infringement of the specified patents.

- (j) Identify all persons who participated in answering this interrogatory and in particular the answers to 6(g) and 6(h).
- (k) Identify all persons who will testify at trial with respect to the subject matter of this interrogatory and in particular 6(g) and 6(h).



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The Seeburg Corporation
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Williams Electronics, Inc.

Dated: May 4, 1976

ATTACHMENT TO SUPPLEMENTAL INTERROGATORY

List of Macie Deposition Exhibits
Relating to Schematic Circuit Diagrams

Pro Tennis	Macie Deposition Exhibit 7
Paddle Ball	Macie Deposition Exhibit 14
Pro Hockey	Macie Deposition Exhibit 15
Olympic Tennis	Macie Deposition Exhibit 16

CERTIFICATE OF SERVICE

This is to certify that the foregoing DEFENDANTS
THE SEEBURG CORPORATION OF DELAWARE AND WILLIAMS ELECTRONICS,
INC. SUPPLEMENTAL INTERROGATORY TO PLAINTIFF SANDERS ASSOCIATES,
INC. was served by mailing this 4th day of May, 1976, one copy
to each of the following:

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